

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DONALD C.D. CHANG,
ALAN G. CHA and YING FERIA

Application No. 09/652,862

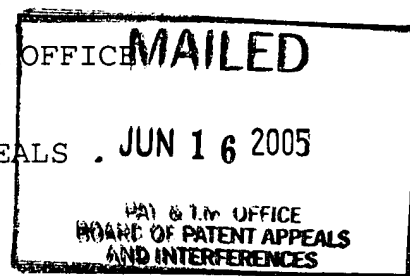
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 5, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

In accordance with section 707.08 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1 (Feb. 2003) states:

The full surname of the examiner who prepares the office action will, in all cases, be typed at the end of the action . . .

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials . . .



The Examiner's Answer mailed January 6, 2005 is deficient in that there is no signature or initials for James D. Ewart.

On April 21, 2004, An Office Action was mailed. On page 1 of the Office action under the heading "Statue" the examiner checked both boxes stated "This action is FINAL" and "This action is non-final". Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for:


1) taking corrective action regarding the appeal conference;
and

2) clarification of statue of office action dated April 21, 2004, written notification of the action taken, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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